

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION JOINT APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES AND COMMERCE

Call to Order: By **CHAIRMAN DICK HAINES**, on January 30, 2001 at 8:30 A.M., in Room 317-C Capitol.

ROLL CALL

Members Present:

Rep. Dick Haines, Chairman (R)
Sen. William Crismore, Vice Chairman (R)
Rep. Christine Kaufmann (D)
Sen. Linda Nelson (D)
Sen. Bill Tash (R)
Rep. Joe Tropila (D)

Members Excused: None.

Members Absent: None.

Staff Present: Becky Beckert-Graham, OBPP
Gary Hamel, Legislative Branch
Amber Sauer, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: Fish, Wildlife and Parks,
1/25/01
Executive Action: Fish, Wildlife and Parks,
Department Management

{Tape : 1; Side : A; Approx. Time Counter : 0}

EXECUTIVE ACTION ON FISH, WILDLIFE AND PARKS

DEPARTMENT MANAGEMENT DIVISION (continued)

The Department Management Division had presented the overview of the agency on January 29, 2001 and the committee continued with the executive action. **Mr. Gary Hamel, LFD**, began with DP-901

Office Maintenance and Small Equipment which is a request to increase funding for non-capital maintenance and office equipment. His concern is that redirection efforts to fund the alternative pay plan call for reductions in this area. That suggests additional funding is not needed. **Mr. Chris Smith, Chief of Staff, FWP**, explained the additional \$25,000 request is necessary for the increase fixed costs for the seven regional offices. They no longer have funds they can shift to cover these costs. He distributed a list of multi-program repair and maintenance proposals and the costs by each region.

EXHIBIT(jnh24a01)

He stated they had reduced this DP \$126,750 for the biennium towards the redirection of funds for the Alternative Pay Plan. **SEN. TASH** asked about the leased or owned buildings. **Mr. Smith** responded they own all the regional headquarters office buildings and one of the area office buildings. **CHAIRMAN HAINES** asked about a one-time-only (OTO) appropriation. **Mr. Hamel** explained OTO would require the department to justify the request in the next biennium. Restricting allows them to use the funds for nothing except those items listed per the exhibit.

{Tape : 1; Side : A; Approx. Time Counter : 150}

Motion/Vote: REP. TROPILA moved that **DP-901 OFFICE MAINTENANCE AND SMALL EQUIPMENT ONE-TIME-ONLY AND RESTRICTED BE ADOPTED.** Motion carried unanimously.

Mr. Hamel continued with DP-902 Statute Printing Book Costs which is a request to reduce funding to account for cyclical costs. It is not necessary to print these books in the second year of the biennium.

Motion/Vote: SEN. NELSON moved that **DP-902 STATUTE PRINTING BOOK COSTS BE ADOPTED.** Motion carried unanimously.

Mr. Hamel discussed DP-903 Billings Public Service Support. This is a request for support staff to enhance public service in the Billings Regional office. **Mr. Smith** explained the DP further. Billings serves the largest community in the state and has a large demand for services. This proposal is to make a .50 modified FTE permanent so it is not lost in the process. He stated if the request is not granted when a modified FTE is requested to become permanent, the department cannot come back and ask for it to be modified again. A modified FTE is an FTE created during the interim by OBPP but only lasts through the interim.

{Tape : 1; Side : A; Approx. Time Counter : 325}

Motion/Vote: SEN. TASH moved that DP-903 BILLINGS PUBLIC SERVICE SUPPORT BE ADOPTED. Motion carried unanimously.

Mr. Hamel discussed DP-905 NRIS Funding Increase to request FWP's contribution to the Natural Resource Information System core funding. FWP has been identified as a "primary data source agency" for the NRIS. He added NRIS was being examined in another committee. **Mr. Smith** stated FWP is one of the original "core" funding agencies and are a major user of requests for services.

{Tape : 1; Side : A; Approx. Time Counter : 400}

Motion/Vote: SEN. CRISMORE moved that DP-905 NRIS FUNDING INCREASE BE ADOPTED. Motion carried unanimously.

Mr. Hamel stated DP-909 Alternative Pay Plan Adjustment was completed earlier and moved on to DP-911 which is Commission Per Diem to cover commissioners' expenses for meetings. **Mr. Smith** stated the FWP Commission meets 10-12 times per year and the costs run \$1,000 to \$1,200 per meeting for honoraria, travel and per diem. They must request this each biennium as the amounts do not roll forward. This includes travel for any other meetings necessary also such as advisory meetings, etc.

{Tape : 1; Side : A; Approx. Time Counter : 490}

Motion/Vote: SEN. NELSON moved that DP-911 COMMISSION PER DIEM BE ADOPTED. Motion carried unanimously.

Mr. Hamel continued DP-913 Travel Adjustment for Department Management had been completed earlier. DP-914 Overtime for Department Management is a result of recent changes in the Department of Labor rules for compensatory time payouts.

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Mr. Smith stated federal law limits compensatory time for non exempt employees. The Department of Labor limits it to 240 hours. If the hours go over that, it must be paid in overtime.

{Tape : 1; Side : B; Approx. Time Counter : 35}

Motion/Vote: SEN. NELSON moved that DP-914 OVERTIME FOR DEPARTMENT MANAGEMENT BE ADOPTED. Motion carried unanimously.

Mr. Hamel continued with the new proposals. DP-904 Hunting and Fishing License Research is a request for funds to conduct market research in order to determine whether sportsmen would pay higher fees for hunting and fishing licenses. The last general license fee increase was approved by the 1991 legislature. The LFD issue is that the legislature may want to direct the department to clearly state their intent of raising license fees on any survey instrument that is sent to sportsmen. There was an additional issue that if the department has been able to restructure funding to enable the Alternative Pay Plan to take place, possibly other funding adjustments could be made to avoid raising license fees.

Mr. Smith stated there are tough decisions coming for 2003 in deciding to raise fees or restructure programs. License fee increases happen about every eight to ten years. They would like to have some scientific basis on which to determine if new fees would be necessary. He explained what the survey would entail.

SEN. TASH stated he felt surveying other states policies could be done with current staff. **SEN. NELSON** questioned if in a survey, hunter/anglers would agree with an increase in fees. There was further discussion on the survey. Generally, the committee felt it was not necessary to appropriate additional funds to gather such information. **Mr. Rich Clough, Chief of Operations, Director's Office, FWP**, stated they need some scientific information to determine where license sales are declining and/or increasing and why.

{Tape : 1; Side : B; Approx. Time Counter : 290}

Motion: **SEN. TASH** moved **DP-904 HUNTING AND FISHING LICENSE RESEARCH BE DENIED.**

SEN. NELSON stated a motion was not necessary if they did not want to approve the DP. **REP. TROPILA** suggested revisiting the issue in the next session. **CHAIRMAN HAINES** asked how much could be done without any additional funding. **Mr. Hagener, Director, FWP**, stated funds would need to be redirected from another program if they could be spared.

Motion: **SEN. TASH** moved that **DP-904 HUNTING AND FISHING LICENSE RESEARCH WITHOUT ANY FUNDING BE ADOPTED AS AMENDED.**

Mr. Hagener asked for clarification on that motion as to whether or not the committee was directing the Department to do the survey and find the funding in other programs.

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Both motions died for lack of seconds and after further discussion, **CHAIRMAN HAINES** asked this DP to be put aside until the Department could present a different option. **Mr. Hagener** stated they had been pursuing federal funding sources for this type of action and they would look into it further and come back to the committee.

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REP. KAUFMANN expressed concern about asking the Department to do the survey without allowing funds to do it. She also was concerned about the Department coming to the next legislature with a request for fee increases and not having had the ability with a survey to justify the increases. **CHAIRMAN HAINES** asked the Department to return to the committee with a more definite plan of action for obtaining the information.

{Tape : 2; Side : A; Approx. Time Counter : 70}

Mr. Hamel continued with DP-906 Cadastral Database which requests \$9,000 per fiscal year to continue FWP's contribution for funding the database being developed to standardize and simplify access to land ownership records. He pointed out that once completed, the database will need to be maintained. The LFD recommended restricting the appropriation and it being a one-time-only. **Ms. Beckert-Graham, OBPP**, stated the OBPP recommends restricted but not the one-time-only. **Mr. Smith** stated the Department has no disagreement with restricted appropriations for this DP. **REP. KAUFMANN** asked for further explanation on the Cadastral Database. **Mr. Smith** explained it is a geographic database to co-relate partials with land owners, assessed values, and tax status used mainly for the Department of Revenue.

{Tape : 2; Side : A; Approx. Time Counter : 120}

Motion: **SEN. CRISMORE** moved that **DP-906 CADASTRAL DATABASE RESTRICTED BE ADOPTED**.

Discussion: **CHAIRMAN HAINES** asked about the similarities of the Cadastral Database, NRIS, and GIS, all of which are database systems. **Mr. Smith** explained NRIS is core support for functions that the Department of Natural Resources uses in conjunction with the state library for the website and other statewide databases used as support services for agencies. The cadastral database was formulated by the Department of Revenue which is geographic and therefore a resource for FWP in helping hunters/anglers know where to hunt and fish. The GIS DP is to support the work done by FWP staff out in the field, setting

standards, and providing software and hardware on the staff desks and training. **Mr. Smith** stated he will elaborate further on the GIS DP when it is presented. **CHAIRMAN HAINES** questioned if it was duplication of services.

{Tape : 2; Side : A; Approx. Time Counter : 190}

Motion/Vote: SEN. CRISMORE moved that DP-906 CADASTRAL DATABASE RESTRICTED BE ADOPTED. Motion carried unanimously.

Mr. Hamel stated DP-907 Legislative Contract Authority had been addressed and continued with DP-908 Geographic Information Systems (GIS). This request is to coordinate training and support for the GIS which provides more complex analyses and reports than can be generated by field staff. **Mr. Smith** stated the GIS is a powerful tool for resource agencies. Almost every decision FWP makes includes some geographic information. In order to use the GIS, they "borrowed" FTE's wherever they could find them and now need to create permanent FTE's to cover the use and support of GIS.

Ms. Janet Hess-Herbert, GIS Program Coordinator, FWP, explained further how GIS is used and the importance of FWP having access to it and being trained. She distributed a copy of the proposal to create the GIS program for FWP submitted in 1999 and a list of the layers developed for FWP. She stated it is extremely important in the daily operations of FWP and has been a critical component of many studies.

EXHIBIT(jnh24a02) and **EXHIBIT(jnh24a03)**

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Motion/Vote: SEN. CRISMORE moved that DP-908 GEOGRAPHIC INFORMATION SYSTEMS BE ADOPTED. Motion carried unanimously.

Mr. Hamel presented DP-910 Conservation and Reinvestment Act (CARA) Funding. This is a request for approximately \$500,000 each year of the biennium to utilize Conservation and Reinvestment Act (CARA) funds to expand efforts in various areas from endangered species to grizzly conflicts. Due to the uncertain nature of CARA funding the amount requested had been reduced to half the original request. **Mr. Hamel** stated the committee may wish to bear in mind the uncertainty of the funding.

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Mr. Smith explained the DP per exhibit 1 and the variables depending on the nature of the funding.

{Tape : 2; Side : B; Approx. Time Counter : 30}

Motion/Vote: SEN. NELSON moved that DP-910 CONSERVATION AND REINVESTMENT ACT (CARA) FUNDING ONE-TIME-ONLY AND RESTRICTED BE ADOPTED. Motion carried unanimously.

Mr. Hamel stated the language recommendations.

Motion/Vote: REP. TROPILA moved that RECOMMENDED LANGUAGE AS FOLLOWS BE ADOPTED. Motion carried unanimously.

- 1) "Item 8A legislative contract authority (LCA) is subject to all LCA provisions stated in the agency's language. LCA is restricted and a one-time-only item in HB 2 and must be requested as a new proposal to be continued into the 2003 biennium. LCA applies only to federal funds."
- 2) "Item 8b is restricted appropriation for cadastral database."

{Tape : 2; Side : B; Approx. Time Counter : 80}

DEPARTMENT OF ENVIRONMENT QUALITY

Ms. Jan Sensibaugh, Director, Department of Environmental Quality (DEQ), gave an overview of the department. She stated the mission statement of the agency which is to protect, sustain and improve an environment for present and future generations. In 1995 the agencies were reorganized to put all the environmental programs in one agency. The DEQ is responsible for issuing licenses and permits to ensure projects are compliant with Montana's environmental laws and rules and performing inspections and review to ensure they continue to be compliant. If it is determined that a project is out of compliance, the DEQ works with the agency to become compliant so that they may continue to operate. If the violations are very severe, the DEQ proceeds with formal enforcement actions through the agency or the courts.

Ms. Sensibaugh stated the DEQ is responsible for clean-up and remediation activities in response to former spill sites or abandoned or bankrupt mines. The agency provides technical assistance and planning doing all the air/water quality monitoring to see that standards are being met. They also do

energy and technology reviews and respond to consumer complaints. She went over the organizational chart which include advisory councils mandated by law. There are two Boards--the Board of Environmental Review and the Petroleum Tank Release Compensation Board. There are five divisions consisting of the Centralized Services Division, Enforcement Division, Permitting and Compliance Division, Planning, Prevention and Assistance Division, and Remediation Division. There is a Legal Unit attached to the Director's Office for all legal affairs.

{Tape : 2; Side : B; Approx. Time Counter : 175}

Ms. Sensibaugh presented an overview of the budget requests, their funding sources, and the percent of disbursements to each division. She also covered the Resource Indemnity Trust (RIT) Fund requests, state special fund requests, and proprietary fund requests. She showed a chart of the 394.23 FTE's in the DEQ and the breakdown of the divisions where they are located.

{Tape : 2; Side : B; Approx. Time Counter : 265}

Mr. Curt Chisholm, Deputy Director, DEQ, presented the global issues for the DEQ as they would be affecting every Division rather than having each Division present the same issue. He distributed information for the committee on the issue of "Enterprise," a database concept.

EXHIBIT (jnh24a04)

He gave a history of the DEQ, its formation, its reorganization of Information Technology resources, and its inheritance of about 160 different software and database packages. The Department was faced with the problem of what to do with all the different systems and what to use to centralize operations. They were faced with the dilemma of how to keep the data they needed to carry out their responsibilities that, in fact, would no longer be technically supported by the State of Montana. The Y2K problem was also on the horizon. The databases were duplication of information, non-interfacing, and high maintenance.

Mr. Chisholm continued that following a study several database options were presented. There were a stovepipe design, separate functional databases (approximately 25), or the consolidation of existing databases into a functional structure (Enterprise database). He explained the pros or cons of each option. The most functional and logical to put into use was the Enterprise database. He continued with what would be involved in the

Enterprise database, how it was approached, and the benefits to the State of Montana.

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Mr. Chisholm explained how the Enterprise database would work and how long it would take to complete the system. To integrate the system in one step would cost \$6-\$7 million. The Department decided both from the standpoint of work and money, it would be more advisable to phase it in over a 3-5 year period of time.

Having concluded this presentation, the committee took up action on the Fish, Wildlife and Parks, Conservation Education Division decision packages that had been postponed.

{Tape : 3; Side : A; Approx. Time Counter : 53}

Conservation Education Division, FWP

Mr. Gary Hamel explained DP-805 Shooting Range Grants which is a biennial appropriation of \$120,000 requested to distribute to approximately 60 communities in over 40 different locations. He had no issues or comments.

Ms. Beckert-Graham distributed HB 258 for the committee's information which is a bill for appropriating funds to FWP for shooting ranges in the amount of \$60,000 for the biennium from the state special revenue fund.

EXHIBIT (jnh24a05)

Mr. Ron Aasheim, Administrator, Conservation Education Division, gave a history of the shooting range grants program and distributed information.

EXHIBIT (jnh24a06)

Mr. Aasheim stated it is a technical adjustment. There was some confusion with the DP and HB 258. They did not know if the funds in HB 258 are additional or to replace funds in the DP. They were asking for the biennial appropriation to continue with the \$180,00 level it has been. There was some discussion by the committee for clarification on the appropriations and HB 258. The Shooting Range Grants have been in existence for more than 10 years.

Mr. Hamel clarified that DP-805 is a present law adjustment for \$120,000 and DP-804 Shooting Range Grants Enhancements was a one-

time-only from last session for \$60,000. They could be dealt with together. However, if the committee does not wish the additional \$60,000 in DP-804 to become part of the base, they should be dealt with separately.

Public Testimony

Mr. Ron Weiss, Helena, testified in favor of the funding and his written testimony is a part of these minutes. He gave a history of the Pittman Robertson funding used for the shooting range grants. It appears additional funds may become available for range development and he asked the committee to direct FWP to earmark such additional funds for the actual range development and no other use. He was specific that Pittman Robertson funds be used only for the ranges and not FWP operational costs.

EXHIBIT (jnh24a07)

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Motion/Vote: SEN. NELSON moved that **DP-805 SHOOTING RANGE GRANTS BE ADOPTED**. Motion carried unanimously.

Mr. Hamel continued with DP-804 Shooting Range Grants Enhancement which the committee decided to deal with separately. This DP requests the continuation of \$60,000 biennial appropriation of general licence dollars. **Mr. Hamel** and **Ms. Beckert-Graham** felt clarification was necessary as to whether DP-804 and HB 258 were dealing with the same \$60,000. There was further discussion on how to make the motion and not duplicate the funding if HB 258 passed.

{Tape : 3; Side : A; Approx. Time Counter : 370}

Motion/Vote: REP. TROPILA moved that **DP-804 SHOOTING RANGE ENHANCEMENTS ONE-TIME-ONLY BIENNIAL APPROPRIATION BE ADOPTED**. Motion carried 5-1 with Kaufmann voting no.

{Tape : 3; Side : A; Approx. Time Counter : 425}

Motion/Vote: SEN. NELSON moved that **LANAGUAGE AS FOLLOWS BE ADOPTED**. Motion carried unanimously.

- 1) "Item 7a legislative contract authority (LCA) is subject to all LCA provisions stated in the agency's language. LCA is restricted and a one-time-only item in HB 2 and

must be requested as a new proposal to be continued into the 2003 biennium. LCA applies only to federal funds."

- 2) "Item 7b is a restricted appropriation for aquatic education program/family fishing."
- 3) "Item 7c is a biennial appropriation of \$120,000 for shooting range grants."
- 4) "Item 7d is a biennial appropriation of \$60,000 for shooting range grants enhancement."

{Tape : 3; Side : A; Approx. Time Counter : 470}

It was decided to continue with the DEQ the next day and **CHAIRMAN HAINES** adjourned the meeting.

ADJOURNMENT

Adjournment: 11:00 A.M.

REP. DICK HAINES, Chairman

SANDRA WHITAKER, Transcribing
Secretary

DH/SW

EXHIBIT (jnh24aad)